

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

CHRISTOPHER RAY BEMAN

PLAINTIFF

v.

Civil No.: 6:18-CV-06057

DEPUTY SHERIFF J. BRINKLEY and
JOUSH LINGO

DEFENDANTS

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This is a civil rights action provisionally filed pursuant to 42 U.S.C. § 1983. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3)(2011), the Honorable Susan O. Hickey, Chief United States District Judge, referred this case to the undersigned for the purpose of making a Report and Recommendation.

Currently before the Court is Plaintiff's Motion to Voluntarily Dismiss this case. (ECF No. 41). Defendants have not filed an objection to the Motion. The Federal Rules of Civil Procedure allow a Plaintiff to dismiss an action, by Court order on "terms that the Court considers proper." Fed. R. Civ. P. 41(a)(2). Such dismissal under Rule 41(a)(2) is without prejudice unless the Court specifically orders to the contrary. *Id.*

Accordingly, I recommend that Plaintiff's Amended Complaint (ECF No. 24) should be and hereby is **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41 (a)(2).

The parties have fourteen days from receipt of the Report and Recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this **30th** day of **April 2019**.

/s/ *Barry A. Bryant*

HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE